

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

Citizens Utility Board)	
Request for an investigation into the current)	00-0620
structure of the Nicor Customers Select Pilot)	
Program and the Proposed Changes filed)	
August 10, 2000, Meet the Public Interest)	
Standards and Other Requirements Set Forth in)	
the Public Utilities Act. 220 ILCS 5/4-101;)	
220 ILCS 5/8-101; 220 ILCS 8-102)	
)	(cons.)
Northern Illinois Gas Company)	
d/b/a Nicor Gas Company)	00-0621
Proposed changes to Riders 15 and 16 and related)	
provisions (tariffs filed on August 11, 2000))	

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ILLINOIS
COMMERCE COMMISSION

**MOTION TO STRIKE "REBUTTAL" TESTIMONY
OF NATIONAL ENERGY MARKETERS ASSOCIATION**

Northern Illinois Gas Company d/b/a Nicor Gas ("Nicor Gas" or "Company") respectfully moves to strike the "rebuttal" testimony of the National Energy Marketers Association ("NEM"). In support thereof, the Company states as follows:

1. As the Commission is aware, this case involves Nicor Gas' Customer Select program. NEM's "rebuttal" testimony, however, is utterly generic (i.e., totally unrelated to the specifics of the program) and of no evidentiary value. Indeed, the NEM document is so insubstantial in its application to the issues at hand that it doesn't serve as testimony at all. For this reason, NEM's "rebuttal" testimony should be stricken.

2. Moreover, even if NEM's "rebuttal" testimony had evidentiary value – which it does not – it is improper rebuttal, as it is obviously not even remotely responsive to Nicor Gas' rebuttal testimony. Consequently, NEM's "rebuttal" testimony should have been filed, if it was

going to be filed at all, on December 19, 2000— the date on which Staff and Intervenor filed their direct cases under the schedule established by the Hearing Examiners. Moreover, at this advanced stage of the proceeding, it would be impossible to issue and receive responses to the numerous data requests NEM's filing would generate in time for the Company to adequately present testimony by February 23, 2001. This is a second and independent reason why NEM's "rebuttal" testimony should be stricken.

3. Finally, NEM's "rebuttal" testimony should be stricken because its witness has unilaterally declared that he will be unavailable on the dates scheduled by the Hearing Examiners for presentation of testimony and cross-examination.^{1/}

WHEREFORE, Northern Illinois Gas Company requests that the "rebuttal" testimony of the National Energy Marketers Association be stricken.

Respectfully submitted,

NORTHERN ILLINOIS GAS COMPANY
d/b/a Nicor Gas Company

By Stephen J. Mattson
One of its Attorneys

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^{1/} The witness has deigned to be cross-examined, by telephone, on a date unilaterally selected by him. Neither the date nor the arrangement in general is acceptable to Nicor Gas.

CERTIFICATE OF SERVICE

I, Stephen J. Mattson, hereby certify that I served the foregoing Motion to Strike "Rebuttal" Testimony of National Energy Marketers Association on the attached service list by U.S. mail, first class postage prepaid on February 12, 2001, and by electronic mail.



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